

COUNTY OF YORK

MEMORANDUM

DATE: June 21, 2004 (BOS Mtg. 7/13/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-637-04, Stephanie S. Froyen

ISSUE

Application No. UP-637-04 requests a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling located at 602 Lake Dale Way (Route 1753) and further identified as Assessor's Parcel No. 37-(25)-9-157.

DESCRIPTION

- Property Owner: Eric D. Froyen
- Location: 602 Lake Dale Way
- Area: 17,511 square feet (0.40 acre)
- Frontage: 100.77 feet along Lake Dale Way (Route 1753)
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium-density residential
- Zoning Classification: R20 – Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Two single-family detached homes across Lake Dale Way
 - East: Single-family detached home
 - South: Three single-family detached homes
 - West: Single-family detached home
- Proposed Development: Beauty salon as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant lives in the Woodlake Crossing subdivision and wishes to operate a beauty salon in her home. Section 24.1-283 of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has 2,696 square feet of floor area, and she has indicated that the beauty salon will be limited to one 63-square foot room (2.3% of the floor area of the home). The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation will be limited to two days a week, Tuesday and Thursday, between the hours of 9:00 AM and 5:00 PM.
3. The applicant will be the sole operator of the business, performing hair services for customers. Only one customer is proposed be seen at any one time by the applicant. However, there might be situations where another client arrives prior to the departure of the client being served. For this reason, a condition has been included in the approving resolution specifying that only one customer may be served at one time. The applicant has stated that the maximum traffic per day is expected not to exceed five clients. This would generate approximately 10 vehicle trips a day (five entering, five exiting). Although the applicant does not plan to schedule more than five clients in any one day, the hours of operation create the potential of generating a maximum of approximately 16 vehicle trips per day (eight entering, eight exiting). However, these numbers are not significantly higher than the typical ten (10) daily vehicle trips generated by a single-family detached home.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty salon (2 spaces). The home has a two-car garage and a driveway measuring approximately 18 feet in width and 38 feet in length. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the driveway can accommodate approximately four cars.
5. In the past twelve years, the Board of Supervisors has approved twelve applications for home barber, beauty shops, and nail salons. For comparison purposes, relevant data for these twelve home occupations are listed in the table below. As the table indicates, the

applicant's proposed home occupation would be more limited in hours of operation and size than these approved home occupations.

Approval Date	Location	Maximum Area	Days and Hours of Operation
02/21/91	Lotz Acres Estates	125 square ft.	Mon.-Sat., 8 AM-8 PM
10/17/91	Hudgins Farm Drive	240 square ft.	Mon.-Sat., 8 AM-8 PM
04/16/92	Hornsbyville Road	240 square ft.	Mon.-Sat., 8 AM-8 PM
10/15/92	Running Man	150 square ft.	Mon.-Sat., 8 AM-8 PM
05/20/93	Edgehill	260 square ft.	Mon.-Fri., 9 AM-5 PM
08/16/95	Carraway Terrace	200 square ft.	Tues.-Thur., 9 AM-6 PM
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM
02/19/02	Edgehill	250 square ft.	Tues.& Thurs., 10 AM-7 PM; Wed.& Fri., 10 AM-4 PM; & Sat. 10 AM-2 PM
02/19/02	Carver Gardens	200 square ft.	Mon.-Sat., 8 AM-8 PM
07/16/02	Skimino Hills	200 square ft.	Mon.-Sat., 9 AM-5 PM
12/03/03	Meadowlake Farms	335 square ft.	Tues.-Sat., 9 AM-5 PM
2/11/04	East Rochambeau Drive	132 square ft.	Mon.-Fri., 5:30 PM-8 PM & Sat., 10 AM-3 PM

According to staff in the County's Zoning and Code Enforcement Division, there have been no complaints or compliance problems associated with any of these home beauty/barber shops.

6. Section 24.1-281(e) of the Zoning Ordinance states that home occupations "shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood." By their nature home beauty shops typically involve more water use than an ordinary home. However, since this property is served by public water and sewer, staff feels that the impact of additional water use is not of concern.
7. Property within the Woodlake Crossing, Section IX & X subdivision is subject to homeowners' covenants, and the development has an established homeowners' association. The covenants include declarations relevant to land use, which, depending on interpretation, may or may not impact the applicant's ability to establish a beauty salon as a home occupation on the subject property. However, regardless of the language of the covenants, the County must evaluate the beauty salon use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and restrictions. The approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with such covenants or restrictions. A letter stating the position of the Homeowners Association concerning this application is attached.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on June 9, 2004 and, subsequent to conducting a public hearing at which no one spoke, voted 6:0 (Davis absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, I recommend that the Board approve this application. This may be accomplished through the adoption of proposed Resolution No. R04-105.

Carter/3337:EWA

Attachments:

- Excerpts from Planning Commission minutes, June 9, 2004
- Zoning Map
- Survey Plat
- Sketch of house plan
- Woodlake Crossing Homes Association letter June 3, 2004
- Proposed Resolution No. R04-105